

On April 22, 1920, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold at public auction by the United States marshal, labeled as imitation of birch oil, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

7852. Adulteration and misbranding of birch oil and oil of sweet birch. U. S. * * * v. 3 Cans * * * of a Product Purporting to be Birch Oil, U. S. * * * v. 3 Cans * * * of a Product Purporting to be Oil of Sweet Birch, and U. S. * * * v. 1 Can * * * of a Product Purporting to be Oil of Sweet Birch. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. Nos. 11659, 11660, 11661. 1. S. Nos. 533-r, 532-r, 531-r. S. Nos. E-1854, E-1855, E-1856.)

On December 14, 1919, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 3 cans of a product purporting to be birch oil, 3 cans of a product purporting to be oil of sweet birch, and 1 can of a product purporting to be oil of sweet birch, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped on or about October 28, 1919, by M. G. Teaster, Johnson City, Tenn., on October 31, 1919, by T. J. Ray, Newland, N. C., and on or about November 4, 1919, by T. J. Ray, Johnson City, Tenn., and transported from the States of Tennessee and North Carolina into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they contained synthetic methyl salicylate.

Adulteration of the articles was alleged in the libels in that the articles were sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the United States Pharmacopœia. They were further adulterated in that the strength and purity of the articles fell below the professed standard and quality under which they were sold, and in that a substance, to wit, synthetic methyl salicylate, derived from a source other than birch, had been mixed and packed with them so as to reduce and lower and injuriously affect their quality and strength, and in that a substance, to wit, synthetic methyl alcohol, derived from a source other than birch, had been substituted in part for the said products, to wit, birch oil and oil of sweet birch.

The articles were misbranded in that they were an imitation of and sold under the name of another article, to wit, birch oil. They were further misbranded in that they were an imitation of and sold under the distinctive name of another article, to wit, birch oil. The articles were further misbranded in that they were labeled so as to deceive and mislead the purchaser into the belief that they were composed wholly of birch oil, whereas they consisted in part of synthetic methyl salicylate, derived from a source other than birch. They were further misbranded in that the packages containing the products bore a statement, to wit, "Birch Oil," or "Oil of Sweet Birch" regarding the products contained therein, which was false and misleading—false in that the products were not composed wholly of birch oil but were in part composed of synthetic methyl salicylate, derived from a source other than birch, and misleading in that it led the purchaser to believe that the articles were composed wholly of birch oil, whereas they consisted in part of synthetic methyl salicylate, derived from a source other than birch.

On April 17, 1920, and on April 27, 1920, no claimant having appeared, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be sold at public auction by the United States marshal, labeled as imitations of birch oil and oil of sweet birch, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

7853. Adulteration and misbranding of oil of sweet birch, birch oil, and wintergreen oil. U. S. * * * v. 2 Cans * * * of a Product Purporting to be Birch Oil and 1 Can * * * of a Product Purporting to be Wintergreen Oil. U. S. * * * v. 1 Can * * * of a Product Purporting to be Oil of Sweet Birch and 1 Can * * * of a Product Purporting to be Wintergreen Leaf Oil. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. Nos. 11882, 11883. I. S. Nos. 540-r, 541-r, 542-r, 543-r. S. Nos. E-1925, E-1927.)

On January 14, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 2 cans containing a product purporting to be birch oil, 1 can containing a product purporting to be wintergreen oil, 1 can containing a product purporting to be oil of sweet birch, and 1 can containing a product purporting to be wintergreen leaf oil, at New York, N. Y., alleging that the articles had been shipped on or about December 31, 1919, by the Green Goods Supply Shop, Johnson City, Tenn., and on or about December 27, 1919, by D. A. Winters, Johnson City, Tenn., and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they contained synthetic methyl salicylate.

Adulteration of the articles was alleged in that they were sold under names recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said Pharmacopœia, official at the time of the investigation, and in that their own strength and purity fell below the professed standard or quality under which they were sold. The articles were further adulterated in that synthetic methyl salicylate had been mixed and packed with the products so as to reduce and lower and injuriously affect their quality and strength, and in that synthetic methyl salicylate had been substituted wholly or in part for the products.

Misbranding was alleged in that the articles were imitations of, and sold under the names of, other articles, to wit, birch oil, oil of sweet birch, wintergreen oil, and wintergreen leaf oil, respectively. The articles were further misbranded in that the statements, appearing upon the labels on the packages containing the article, were false and misleading, and deceived and misled the purchaser, and in that they were imitations of, and sold under the distinctive names of, other articles.

On April 17, 1920, and on May 1, 1920, no claimant having appeared in one case, and Thomas J. Ray having appeared as claimant in the other case and having defaulted in answer, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be sold by the United States marshal at public auction as imitations of birch oil, oil of sweet birch, and wintergreen oil, respectively, under section 10 of the act, and that costs of the proceedings in which Thomas J. Ray appeared as claimant be taxed against Thomas J. Ray in the sum of \$28.17.

E. D. BALL, *Acting Secretary of Agriculture.*